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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,320	07/22/2003	Charles Atchison	9400-28	7307
20792	7590	01/11/2006		
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			EXAMINER LU, CHARLES EDWARD	
			ART UNIT 2163	PAPER NUMBER

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/624,320	Applicant(s) ATCHISON, CHARLES	
	Examiner Charles E. Lu	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-24 have been submitted for examination.
2. Claims 1-24 have been rejected.

Drawings

3. The drawings are objected to because of the following informalities:

As to fig. 12, the drawing does not appear to show “workbooks for employees linked via hyperlink from a web site allowing a user to click on an employee workbook and obtain data” as recited in the specification, page 10, line 5. Rather, fig. 12 merely shows a database record with a “Back” functionality.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New

Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to because of the following informalities:

As to page 10, paragraph on line 5, the drawing in fig. 12 does not appear to show “workbooks for employees linked via hyperlink from a web site allowing a user to click on an employee workbook and obtain data” as written in the specification. Rather, fig. 12 merely shows a database record with a “Back” functionality.

Appropriate corrections are required.

Claim Objections

5. Claims 1-24 are objected to because of the following informalities:

As to claims 1, 9, and 17, the phrase “respective ones the plurality of folders,” found in at least line 8 of claim 1, appears to be missing a word and should be changed to respective ones of the plurality of folders.

Claims 2-8, 10-16, and 18-24 are objected to based upon their dependency on claims 1, 9, and 17, respectively.

Appropriate corrections are required.

Claim Rejections - 35 USC § 101

Art Unit: 2163

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 9-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claim 9, all of the claimed means are interpreted as software per se, which is functional descriptive material per se and therefore non-statutory.

Claims 10-16 are rejected under 35 U.S.C. 101 because of their dependency on rejected claim 9 and their failure to cure the deficiencies of claim 9.

As to claim 17, the claim recites a storage medium but the medium can be interpreted as a signal (e.g., "propagation medium", page 4) and thus the claim is non-statutory. Furthermore, page 4 of the specification includes paper as a computer readable medium, and thus the claim covers non-functional descriptive material, which is non-statutory.

Claims 18-24 are rejected under 35 U.S.C. 101 because of their dependency on rejected claim 17 and their failure to cure the deficiencies of claim 17.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 5, 8-11, 13, 16-19, 21, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892).

As to claim 1, Handsaker teaches the claimed subject matter including:

Defining a plurality of query criteria (fig. 5, #505, #515);

Querying an employee database (e.g., para. 0118, 0108, 0076, table 1) by applying respective query criteria to respective employees (e.g., the four employees in Harvey Mackey's team in 2002, as seen in fig. 5, #512 are in response to applying query criteria #505 and #515);

Handsaker does not expressly teach providing a plurality of folders, the respective folders corresponding to respective search criteria.

However, Handsaker teaches using a pull-down menu with options corresponding to respective search criteria, as seen in fig. 5, #505, #515. Szlam teaches using either a folder or a pull-down menu to accomplish a task (col. 11, ll. 37-49, fig. 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker with the above teachings, such that the user interface of fig. 5 of Handsaker uses folders instead of pull-down menus, thus providing folders corresponding to the search criteria. The motivation would have been to increase user-friendliness, since a user may prefer a folder interface to a pull-down menu interface.

Handsaker further teaches creating a plurality of workbooks (para. 0118). According to Handsaker, in response to changing parameter values, a concrete workbook is instantiated and rendered. Therefore, a plurality of workbooks is created. The workbooks contain query results for respective folders (e.g., the workbook in fig. 5 contains the result for year 2002 and employee Mackey Harvey, and the limitation of folders is addressed above). Furthermore, the workbooks are associated with respective employees (see fig. 5, #512), having results for respective query criteria (fig. 5, #505, #515), corresponding to respective folders, the limitation of folders addressed above with respect to the combination with Szlam.

As to claim 2, Handsaker teaches associating a first time period (fig. 5, “year 2002”) with the query criteria, and creating respective first worksheets (fig. 5, graph #510 or table #512) in respective workbooks (para. 0115, para. 0118) containing results from querying the employee database (fig. 5) for respective search criteria for the first time period (“year 2002”).

As to claim 3, Handsaker and Szlam do not expressly teach associating a second time period with the query criteria, and creating respective second worksheets in the workbooks containing results from querying for the second time period.

However, Handsaker teaches associating a first time period (fig. 5, “year 2002”), and creating worksheets in respective workbooks containing query results for the first time period, as addressed above.

Additionally, the examiner takes official notice that at the time the invention was made, it was conventional to specify a plurality of time periods, such as year, month, and day.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that a second time period can be specified, and worksheets for the respective workbooks would be created for the first, as well as second time period (e.g., year 2002, month of January). The motivation would have been to allow the user to view different periods within a selected year, thus increasing convenience and user-friendliness.

As to claim 5, Handsaker teaches receiving user input selecting one of the plurality of query criteria (fig. 5, left side), querying the employee database by applying the selected criterion to respective employees (e.g., para. 0118, 0108, 0076, table 1, and the four employees, fig. 5, #512 are in response to query criteria #505 and #515), and storing results from querying the employee database by applying the selected criterion in the respective workbooks for respective employees (para. 0118, 0115, 0108, 0076, fig. 5).

As to claim 8, Handsaker teaches wherein the plurality of query criteria comprises a plurality of employee performance criteria (fig. 5, commission period, and commissioned employee).

Claims 9-11, 13, 16-19, 21, and 24 are drawn to a system or computer program product claiming the same invention as method claims 1-3, 5, and 8. Therefore, claims

9-11, 13, 16-19, 21, and 24 are rejected based upon the same reasoning as stated above in the rejection of claims 1-3, 5, and 8.

10. Claims 4, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892) further in view of Rubert et al (U.S. Patent 6,366,915).

As to claim 4, Handsaker and Szlam do not expressly teach automatically performing querying the employee database and creating the plurality of workbooks at a scheduled time.

However, Rubert teaches, in an employee database-searching environment, automatically querying a database at a scheduled time (fig. 4, #427, col. 12, ll. 35-45). Handsaker teaches querying a database and creating workbooks, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that the query and creating of workbooks can be automatically performed at a scheduled time. The motivation would have been to adapt to the user's requirements, or to facilitate scheduling on busy servers, as taught by Rubert (col. 6, ll. 24-38).

Claims 12 and 20 are drawn to a system or computer program product claiming the same invention as method claim 4. Therefore, claims 12 and 20 are rejected based upon the same reasoning as stated above in the rejection of claim 4.

11. Claims 6-7, 14-15, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handsaker (Pub. No. 2003/0110191) in view of Szlam (U.S. Patent 6,359,892) further in view of Ramasamy et al (U.S. Patent 6,944,614).

As to claim 6, Handsaker and Szlam do not expressly teach creating a log file containing a plurality of status indicators for respective query criteria.

However, Ramasamy teaches a log file containing status indicators for a query, such as query ID, and start and stop time for each query operator (col. 8, ll. 9-29). Operators (fig. 6) include query criteria (e.g., fig. 6, #604, col. 7, ll. 22-32, selecting a particular emp. name). Handsaker teaches query criteria for a query, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker and Szlam with the above teachings, such that a log file is created to log the execution of the query. The motivation would have been to facilitate later analysis, as taught by Ramasamy (col. 8, ll. 11-15).

Claims 14 and 22 are drawn to a system or computer program product claiming the same invention as method claim 6. Therefore, claims 14 and 22 are rejected based upon the same reasoning as stated above in the rejection of claim 6.

As to claim 7, Ramasamy teaches a query start and stop time, met by the start and stop times of the query operators (col. 8, ll. 9-29).

Handsaker, Ramasamy and Szlam do not expressly teach a number of employees for which the query is applicable.

However, Ramasamy teaches that a status indicator includes an operator's processing tuple count (col. 8, l. 24). A tuple count for an operator corresponds to a number of applicable records (a number of records that the operator processes). Handsaker teaches applying a query to employees, as discussed above.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Handsaker, Ramasamy and Szlam with the above teachings, such that the log file stores a number of employees (records) for which the query is applicable. The motivation would have been to further facilitate later analysis, as taught by Ramasamy (col. 8, ll. 11-15).

Claims 15 and 23 are drawn to a system or computer program product claiming the same invention as method claim 7. Therefore, claims 15 and 23 are rejected based upon the same reasoning as stated above in the rejection of claim 7.

Conclusion

12. The following prior art cited on the PTO-892 form, not relied upon, is considered pertinent to applicant's disclosure:

Leonardos, Gustavos, U.S. Patent 6,778,972, discloses a system and method for providing integrated management of electronic information.

Watts et al, U.S. Patent 5,671,411, discloses a method of searching an audio/visual programming database having implicit logical operation.

Schlager et al, U.S. Patent 6,871,147, discloses an automated method of identifying and archiving nucleic acid sequences.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Lu whose telephone number is (571) 272-8594. The examiner can normally be reached on 8:30 - 5:00; M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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